

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA :
v. : CRIMINAL NO. 3:23-CR-149
DAMIEN BOLAND, :
ALFRED ATSUS, AND : JUDGE MANNION
JOSEPH ATSUS. :
Defendants. : ELECTRONICALLY FILED**

**DEFENDANT JOSEPH ATSUS' MOTION IN *LIMINE* TO EXCLUDE
STATEMENTS PROTECTED UNDER THE
SPOUSAL IMMUNITY PRIVILEGE**

Defendant Joseph Atsus, by and through his undersigned counsel, hereby moves to exclude statements protected under the spousal immunity privilege pursuant to Title 42 Pa. C.S.A. § 5914. In support of his Motion, the Defendant relies on his supporting memorandum of law being filed simultaneously herewith.

Respectfully submitted,

/s/ Patrick A. Casey

Patrick A. Casey

Attorney for Defendant, Joseph Atsus

Myers, Brier & Kelly, LLP
425 Biden Street, Suite 200
Scranton, PA 18503
(570) 342-6100

Date: July 12, 2024

CERTIFICATE OF NON-CONCURRENCE

I, Patrick A. Casey, certify that I sought the concurrence of Assistant United States Attorney James Buchanan in this Motion. Mr. Buchanan does not concur in this Motion. Counsel sought the concurrence of co-counsel, Ernie D. Preate, Esq, on July 12, 2024 and will supplement the Court with his response.

/s/ Patrick A. Casey
Patrick A. Casey

Date: July 12, 2024

CERTIFICATE OF SERVICE

I, Patrick A. Casey, hereby certify that a true and correct copy of the foregoing Defendant Joseph Atsus' Motion in *Limine* to Exclude Statements Protected Under the Spousal Immunity Privilege was served upon the counsel of record via the Court's ECF system on this 12th day of July, 2024:

James Buchanan, Esquire
United States Attorney's Office
235 North Washington Avenue
Suite 311
Scranton, PA 18501

Matthew L. Clemente, Esquire
Matthew L. Clemente, Attorney at Law
88 North Franklin Street, 2nd Floor
Wilkes Barre, PA 18640

Jason J. Mattioli, Esquire
Michael J. Ossont, Esquire
The Mattioli Law Firm
425 Biden Street, Suite 300
Scranton, PA 18503

Ernest D. Preate Jr., Esquire
120 South State Street
Clarks Summit, PA 18411

/s/ Patrick A. Casey
Patrick A. Casey